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EXAMINER

TRETTEL, MICHAEL

ART UNIT

PAPER NUMBER

3673

DATE MAILED: 07/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

14N

# Office Action Summary

Application No.

10/056,916

Applicant(s)

BLYSHAK ET AL.

Examiner

Michael Trettel

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-80 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 33-52 and 72-80 is/are allowed.
- 6) ☒ Claim(s) 1-7, 9, 11-17, 21, 22, 53, 62 and 64 is/are rejected.
- 7) ☒ Claim(s) 8, 10, 18-20, 23-32, 54-61, 63 and 65-71 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3, 6, 7
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the shock absorbers set forth in claims 10, 19, 20, 30, 31, 33 to 37, 39, and 40 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

### ***Specification***

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: a description of the shock absorbers set forth in claims 10, 19, 20, 30, 31, 33 to 37, 39, and 40 must be added to the specification. Any such added subject matter must be consistent with the terms as used in the claims, i.e., no new matter can be entered.

### ***Claim Objections***

Claim 55 is objected to because of the following informalities: the claims depends upon itself. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 to 7, 11, 53, 62, and 64 are rejected under 35 U.S.C. 102(b) as being anticipated by Schnelle et al (4,589,642). Schnelle et al shows an operating table that is vertically adjustable in height through the use of a supporting column 12 that includes a lifting mechanism 18. The lifting mechanism 18 includes a pair of antiparallel mounted hydraulic cylinders 26, 28 mounted in bores 38 of a pair of mounting blocks 40. Each cylinder 26, 28 includes a respective piston rod 30, 32 mounted between the base 34 and supporting surface plate 22 of the table. Connecting passages 44, 46 are formed in the blocks 40 and are attached to a hydraulic conductor 48, the lower end of cylinder 26 is attached hydraulically to the upper end of the cylinder 28 by means of the passages and conductor. Piston rod 30 of the cylinder 26 is formed as a tube with a connectors 62 and conductor 74 forming a passage for hydraulic fluid that is received by the piston ends of the cylinders such that the cylinders can be extended simultaneously. A connector 64, cylinder passage 66, conduit 68, and radial passage 70 form a hydraulic circuit for the bottom ends of the cylinders, by pumping hydraulic fluid into this circuit the cylinders can be simultaneously retracted. A pumping and control circuit is shown in Figures 8 and 9.

Claim 22 is rejected under 35 U.S.C. 102(b) as being anticipated by Knapp et al (5,621,933). Knapp et al show a lifting column for a surgical support that comprises a base plate 4, an upper plate 7, and a pair of telescoping covers 5, 6 that have a square cross section. As

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shown in Figure 3 the covers 5, 6 are guided with respect to one another by means of a set of guides 8 attached to the midsection of each side of the cover. The guides include a groove 9 that engages a slide 10 formed as a rail and attached to the interior of the cover section 6. A hydraulic cylinder 12 with a housing 11 is attached to the base plate 4 and extends upwardly to the upper plate 7, being attached to the upper plate by means of an offset plate 14 attached above plate 7 by spacers 15. Note the embodiment shown in Figure 8, in which the hydraulic lines for the lifting cylinders are embedded within the upper plate 7. This results in a housing that has no hydraulic lines within the housing interior.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9, 12 to 17, 21, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schnelle et al (4,589,642) in view of Knapp et al (5,621,933). The Schnelle et al operating table uses a lift column that is exposed in operation, making it potentially dangerous to a user of the table. This is because clothing or body parts could get caught within the exposed portions of the lifting column, leading to an injury. Knapp et al teaches the use of a telescoping cover assembly for the lifting column of an operating table, the details of which are set forth above. This cover would protect an operator of the table from the dangers of an exposed lifting column, since it completely encases the working parts of the lifting column. Therefore it would have

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been obvious to the skilled artisan to have used a telescoping lifting cover assembly as taught by Knapp et al as a cover for the lifting column of the Schnelle et al operating table, for the purpose of protecting an operator of the table from the lifting column.

***Allowable Subject Matter***

Claims 8, 10, 18 to 20, 23 to 32, 54 to 61, 63, and 65 to 71 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 33 to 52 and 72 to 80 are allowed.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fullwood et al and Long et al show lifting columns for patient supports that are of general interest. The PCT application to Blyshak et al shows the applicant's copending PCT application.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Trettel whose telephone number is 703-308-0416. The examiner can normally be reached on Monday, Tuesday, Thursday, or Friday from 7.30 am to 5.00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford, can be reached on (703) 308-2978. The fax phone number for the organization where this application or proceeding is assigned is 703-308-3687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1020.

  
Michael Trettel  
Primary Examiner  
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